

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, February 22, 2010

Those Present: Mr. James E. McClellan, Chairman
Mr. Charles R. Cline, Board Member
Mrs. Linda B. Thall, Sr. Assistant County Attorney
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector
Ms. Kathy L. Vahle, Administrator
Mrs. Ashley Sklarew, Administrative Specialist IV
Mrs. Sandra Rees, Administrative Specialist IV

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 8:30 am by Chairman McClellan.

1. **Philly's Cheesesteak Factory** – Ms. Vahle stated that there was a request sent for approval of modifications to the interior of the establishment. Also, the licensee would like Roland Belles to be the contact person for all future correspondence. Mrs. Thall said Mr. Belles could be added as an additional contact person, but all correspondence will need to go to the licensees. A written notice will need to be sent once the modifications are complete.
2. **Hamilton's Lounge** – This establishment has been approved for a transfer, but the applicants are requesting that the license be held with a conditional approval until June 1, 2010 to complete major renovations required by the Health Department. The Board approved the request.
3. **Outlaw Saloon** – Mr. Cline asked about the name change for this establishment. The name has been changed to Will's Place Restaurant and Bar. There is ongoing construction and the Board requested that the Liquor Inspector inspect when construction is completed.
4. **Fee Increases** – Ms. Vahle stated that when she went to Annapolis, the Delegation had questions regarding the reasons for increasing the fees now. Some wondered why the licensees didn't receive notice before requesting to increase the fees. Senator Brinkley also stated he wanted to increase the license fees in order to provide funding for the two part time inspectors. Regan the Legislative Coordinator for the County is going to the County Commissioners to discuss with them the possibility of getting the

County Commissioners to commit, that if the fees go through, \$49,000 of that will go toward the funding of the two part time inspectors. Senator Brinkley stated the bill is on life support right now. They will vote on it next week.

5. **Winery Bill** – Ms. Vahle stated that there are several Winery Bills being proposed. One Bill is about direct shipping, which does not fall under the jurisdiction of this Board. The second bill will shift jurisdiction over the wineries to the State Comptroller's Office. The third Bill is the Corkage Bill.
6. Decision Required: Transfer of License

TRANSFER FROM:

RE: Arthur E. Finneyfrock for
the use of 6-10 Gas Mart
t/a 6-10 Gas Mart Inc.
1904 Urbana Pike
Hyattstown, MD 20871
**Class A, Off Sale, Beer & Light
Wine Sunday Permit**

TRANSFER TO:

RE: Ki Hee Son and Arthur E.
Finneyfrock for the use of
BP & EOM, Inc.
t/a 6-10 Gas Mart
1904 Urbana Pike
Hyattstown, MD 20871
**Class A, Off Sale, Beer & Light
Wine Sunday Permit**

The Board held a hearing for a transfer of a license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: Occupancy Permit, Fire Marshal, Retail Sales Tax, Bulk Transfer Affidavit, Bulk Transfer Permit, Background Check and the inspector's report. Tae Kim, the Lawyer for the applicants. stated that everything had been applied for, Fire Marshal has inspected and a couple of minor things will be completed this week. Also the taxes have been paid. Regarding the Bulk Transfer, Mr. Kim stated that the business had been closed and as a result there was no inventory that was transferred to the incoming licensee and he requested a waiver. Ms. Vahle stated that if there was inventory there as of this time that this inventory

needed to be transferred since it was bought by the current licensee. There needs to be a Bulk Transfer done for this inventory. Inspector stated that they are compliant.

MOTION ONE: Mr. Cline made a motion for a Conditional Approval for February 26, 2010 or May 3, 2010 if they do not meet the first date because of renewals.

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline - Aye
Mr. McClellan – Aye

Aye – 2 Nay – 0

(Motion Passed)

7. Decision Required: New License

RE: Roy W. Perry, Fati Perry and
Walter H. Spurge for the use
of Fellini's Italian Kitchen
Corp.
t/a Fellini's Italian Kitchen
177-A Thomas Johnson Drive
Frederick, MD 21702
**Class B, On Sale, Beer, Wine &
Liquor**

The Board held a hearing for a transfer of a license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items were: Occupancy Permit, Fire Marshal, Health Department, a Background Check and the Inspector's Report. Roy Perry stated that the Fire Marshal had inspected and the Health Department wanted some changes made. The Occupancy Permit has been applied for. The Inspector stated that they are not ready to open.

MOTION ONE: Mr. Cline made a motion for a conditional approval for February 26, 2010 or May 3, 2010 if they do not meet the first date because of Renewals.

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline - Aye
Mr. McClellan – Aye

Aye – 2 Nay – 0

(Motion Passed)

8. Decision Required: New License

RE: Susan Trumbull
for the use of Maryland's
Treasures, LLC
t/a Maryland's Treasures
1 W. Main St.
New Market, MD 21774
**Class A, Off Sale, Beer and Light
Wine, Wine Tasting Permit**

The Board held a hearing for a new license. Ms. Vahle swore in the applicant (See attached Sign In Sheet). The pending items were: Zoning, Occupancy Permit, Fire Marshal, final lease, Alcohol Awareness and the Inspector's Report. Ms. Vahle asked the licensee to send a letter with her correct address. Ms. Trumbull stated there was a problem with the Zoning and she needed to get it rezoned as a General Store and will not be ready by February 26, 2010. The Inspector stated if approved she will do a good job.

MOTION ONE: Mr. Cline made a motion for a conditional approval for May 3, 2010.

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline - Aye
Mr. McClellan – Aye

Aye – 2 Nay – 0

(Motion Passed)

9. Decision Required: New License

RE: Steven McKinley, Darryl
Becker and Gregory D'Arco
for the use of Marketshare
Properties Inc.
t/a Mealey's Restaurant
8 Main St.

New Market, MD 21774

**Class B, On Sale, Beer, Wine
and Liquor**

The Board held a hearing for a new license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items were: Occupancy Permit, Health Department, Fire Marshal. Greg D'Arco stated the Fire Marshal was out and has some corrections to be made. The Health Department inspected but there is no food yet so that could not be addressed and they have to apply for the Occupancy Permit. Inspector stated they are compliant.

MOTION ONE: Mr. Cline made a motion for a conditional approval for May 3, 2010.

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline - Aye
Mr. McClellan - Aye

Aye - 2 Nay - 0

(Motion Passed)

10. Decision Required: Transfer of a License

TRANSFER FROM:

RE: Joyce E. Lewis, Craig A. Swiney
and Donald G. Taylor for the
use of Musket Ridge Golf Club,
LLC
t/a Musket Ridge Golf Club,
LLC

3555 Brethren Church Rd.
Myersville, MD 21773
**Class C, On Sale, Beer, Wine and
Liquor**

TRANSFER TO:

RE: Steven S. Batcheller, Bonnie
Swanson and Craig Swiney for
the use of
Musket Ridge Holding, LLC
t/a Musket Ridge Golf Course
3555 Brethren Church Rd.
Myersville, MD 21773
**Class C, On Sale, Beer, Wine and
Liquor**

The Board held a hearing for a transfer of the license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items were: Fire Marshal, Bulk Transfer permit, State Approval for the LLC, the Retail Sales Tax License. Ms. Swanson was excused by a request that was approved by the Board. David Young stated that the Fire Marshal inspection was made and the correction of the name on the retail sales tax license was applied for. The Bulk Transfer was applied for the day after he received the paper work. The Inspector stated that they are compliant.

MOTION ONE: Mr. McClellan made a motion for a conditional approval for February 26, 2010.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. McClellan - Aye
Mr. Cline - Aye

Aye - 2 Nay - 0

(Motion Passed)

11. Decision Required: Transfer of a License

TRANSFER FROM:

RE: Allen Brown Sr. and Allen
Brown Jr. for the use of

AG-AG, LLC
t/a A.G.'S Carryout &
Convenience
106 Prospect Rd., Suite 3
Mount Airy, MD 21771
**Class A, Off Sale, Beer and Light
Wine, Sunday Permit**

TRANSFER TO:

RE: Om Magoon and Nityanand
Sharma for the use of
Somras, LLC
t/a Prospect Beer, Wine &
Groceries
106 Prospect Road, Suite 3
Mt. Airy, MD 21771
**Class A, Off Sale, Beer and Light
Wine, Sunday Permit, Wine
Tasting and Delivery permit**

The Board held a hearing for a transfer of the license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items were: Zoning approval, Occupancy Permit, Fire Marshal, Bulk Transfer, Retail Sales Tax license, Alcohol Awareness. Diana Schobel, the Attorney for the applicants, stated she had a copy of the Retail Sales Tax license, also Heather from Mt. Airy Zoning was supposed to call as she had some questions as to what needed to be done, the Occupancy Permit has been applied for and the fee has been paid for the Fire Marshal. The Bulk Transfer has been applied for and the Alcohol Awareness class has been taken. The Inspector stated that they are compliant.

MOTION ONE: Mr. Cline made a motion for a conditional approval for February 26, 2010 or May 3, 2010 if the first date is not met because of Renewals.

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline - Aye
Mr. McClellan - Aye

Aye - 2 Nay - 0

(Motion Passed)

12. Decision Required: New License

RE: Daniel A. Goldberg, Mary
Lynn George and Janice
George for the use of
ESB Foods, Inc. t/a Rib City
5227 Presidents Court
Frederick, MD 21701
Class B, On Sale, Beer Only

The Board held a hearing for a new license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items were: Zoning, Occupancy Permit, Fire Marshal, Health Department, Workers' Compensation, Alcohol Awareness, Retail Sales Tax, the Final Lease and the Inspector's Report. Daniel Goldberg stated they were waiting for the site plan to be finalized and that they expected to open in mid June. Once the construction is completed they will apply for the permits. The Inspector stated they are not were not ready to open.

MOTION ONE: Mr. Cline made a motion for a conditional approval for August 2, 2010.

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline - Aye
Mr. McClellan - Aye

Aye - 2 Nay - 0

(Motion Passed)

14. **Outlaw Saloon** – Mr. Cline requested to amend the Minutes for January 25, 2010 with a response from the applicant to say the licensee agreed to change the name from Outlaw Saloon to a restaurant name. Mr. Cline said he would approve the Minutes with those corrections.
13. **6-10 Gas Mart** – The Board requested if Mr. Finneyfrock of 6-10 Gas Mart had any prior violations. There was a Sales to Minors violation.

14. Decision Required: Approval of the Public Meeting Minutes for January 11, 2010 and January 25, 2010.

The Public Meeting Minutes of January 11, 2010 were approved and the Minutes for January 25, 2010 were approved with an amendment.

MOTION: Mr. Cline made a motion to approve the minutes for January 11, 2010 and the amended Minutes for January 25, 2010.

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline-Aye
Mr. McClellan-Aye

The vote was unanimous. **Aye – 2 Nay – 0**
(Motion Passed)

ADJOURN

The meeting was adjourned at 9:50 am.

Respectfully submitted,

Kathy Vahle, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees